

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Diana Vale	Team: Squad #6	CCRB Case #: 201710196	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 12/02/2017 11:14 AM	Location of Incident: Northwest corner of § 87(2)(b)	Precinct: 102	18 Mo. SOL 6/2/2019	EO SOL 6/2/2019	
Date/Time CV Reported Sun, 12/10/2017 5:40 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 12/10/2017 5:39 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Trombetta	06381	951050	HWY DST

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Oconnell	07441	955268	102 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Trombetta	Abuse: Police Officer Anthony Trombetta questioned § 87(2)(b)	§ 87(2)(b)
B.POM Anthony Trombetta	Abuse: Police Officer Anthony Trombetta searched § 87(2)(b)'s bag.	§ 87(2)(b)

Case Summary

On December 10, 2017, § 87(2)(b) filed this complaint online via the Civilian Complaint Review Board website.

On December 2, 2017, at approximately 11:14 a.m., as § 87(2)(b) was crossing the street of § 87(2)(b) in Queens, he was almost hit by a motor vehicle. He became involved in a verbal dispute with the unidentified driver of the vehicle. At this time, a marked police vehicle driving west on § 87(2)(b) approached § 87(2)(b) and stopped next to him. PO Anthony Trombetta of the 102 Precinct, who was seated in the front passenger's seat spoke to § 87(2)(b) through the window and asked if he was drunk and why was he drinking early in the day (**Allegation A: Abuse of authority**, § 87(2)(g) § 87(2)(b) denied drinking and stated that he had just returned from the grocery store while signaling to a plastic bag in his hand. PO Trombetta asked § 87(2)(b) what he had in his plastic bag (**within Allegation A**) and he responded a soda bottle. PO Trombetta instructed § 87(2)(b) to show him the contents of the bag. § 87(2)(b) opened the bag, extended his arms towards PO Trombetta, and showed him the plastic bag which contained a large soda bottle. PO Trombetta stuck his head slightly out of the window and looked into the plastic bag (**Allegation B: Abuse of authority**, § 87(2)(g) § 87(2)(b). The marked police vehicle then drove away. § 87(2)(b) was not arrested or issued a summons for this incident.

Video Footage

No video footage was obtained for this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Anthony Trombetta questioned

§ 87(2)(b)

Allegation B – Abuse of Authority: Police Officer Anthony Trombetta searched

§ 87(2)(b) s bag.

§ 87(2)(b) filed this complaint online and did not provide any physical descriptions for the subject officer or his partner (BR 01). During his phone statement, he described the subject officer as a white male with black hair in uniform who looked similar to the immigration attorney Angel Leal from the Spanish TV Show *Caso Cerrado* (BR 02). A Google search showed that this attorney was a heavy-set, light-skinned Hispanic male with a goatee. During his verified CCRB interview, § 87(2)(b) further added that the subject officer had a light goatee and mustache and had a big head (BR 03). He was unable to provide more detailed information given that the officer did not exit the police vehicle when speaking to him. He believed that the subject officer's partner might have been a male in uniform but was unsure of this as he did not get a good visual of this officer.

§ 87(2)(b) § 87(2)(b) s nephew and a witness to this incident, stood at the entryway of his residence § 87(2)(b). He was unable to get a visual of the subject officer or his partner and did not overhear the conversation given where he was standing. § 87(2)(b) § 87(2)(b) § 87(2)(b) observed his uncle extend his arms and show the officer seated in the front passenger's seat a

plastic bag. However, he did not observe if the officer stuck his head out of the window to look into the bag.

Negative results were received for a Stop and Frisk Report prepared for § 87(2)(b) (BR 04), or any Motor Vehicle Accident Reports involving him.

An NYPD Sector Map search revealed that the incident location fell within the 102 Precinct, Sector B. According to the 102 Precinct Roll Call, PO Anthony Trombetta and PO Michael O'Connell were assigned to Sector A/B on the incident date. An NYPD AVL search revealed that 102 Precinct officers assigned to Sector A were detected in RMP #3239, at 11:14 a.m., in the vicinity of § 87(2)(b) in Queens (BR 05). This location was on the corner of 126th Street and § 87(2)(b) approximately § 87(2)(b) of the incident location. The AVL search did not note any additional patrol vehicles detected within the vicinity of the incident location. § 87(2)(g)

On March 15, 2018, § 87(2)(b) was shown four photo arrays which included PO Trombetta, PO O'Connell, and PO Nicholas Bellacosa and PO Rohitbir Singh of the 102 Precinct who were both assigned to mobile auto. § 87(2)(b) did not identify any of the four officers as the subject officer. He reiterated that the subject officer looked similar to the attorney from the Spanish TV Show *Caso Cerrado* but could not provide any additional physical description.

PO Trombetta, a heavy-set, light-skinned white male with black hair, was interviewed at the CCRB during which time he stated that he did not have an independent recollection of this incident (BR 06). He confirmed that he was seated in the front passenger's seat of RMP #3239 on the incident date but did not recall speaking to § 87(2)(b). He did not recall questioning § 87(2)(b) about whether he was drinking at the time and did not recall searching his bag. He denied wearing a light goatee and mustache on the incident date and added that department regulations prohibit facial hair unless there was a religious need which he did not have. He stated that he responded to two jobs, one before the incident time at 126-02 97th Avenue, and one after the incident time at 101-33 132nd Street. When shown the AVL search results, PO Trombetta responded that neither job he responded to fell within the vicinity of the incident location, and so he had no need to drive by the incident location.

PO O'Connell, a white male with brown hair, was interviewed at the CCRB during which time he also stated that he did not have an independent recollection of this incident (BR 07). He had no memo book entries for the entire day noted in his memo book that would have assisted in his recollection of this incident as he was the operator on the incident date. He did not recall if he drove by the incident location and stated that he could have done so given that it was a busy street. He did not recall questioning § 87(2)(b) and did not recall looking into his bag.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Trombetta has been a member of service for six years and has been a subject in one CCRB complaint and one allegation which is currently open, CCRB case #201708850.

Mediation, Civil and Criminal Histories

- § 87(2)(b) accepted mediation; however, the officers in the complaint were not identified, and thus the complaint was investigated.
- As of May 2, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 08).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 6

Investigator: _____

Signature _____

Investigator Diana Vale _____

Print Title & Name _____

Date _____

Squad Leader: _____ Investigative Manager Jessica Peña _____
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____